

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

State of Minnesota by its Attorney
General, Keith Ellison,

Plaintiff,

v.

Fleet Farm LLC, Fleet Farm Group
LLC, and Fleet Farm Wholesale
Supply Co. LLC,

Defendants.

Case No.: 0:22-cv-02694-JRT-JFD

**DEFENDANTS' MOTION FOR
CERTIFICATION PURSUANT TO
28 U.S.C. § 1292(b)**

Pursuant to 28 U.S.C. § 1292(b), Defendants Fleet Farm LLC, Fleet Farm Group LLC, and Fleet Farm Wholesale Supply Co. LLC (together, “Fleet Farm”) hereby move this Court for an order certifying two questions addressed in its June 27, 2023 Order denying Fleet Farm’s Motion to Dismiss for interlocutory appeal to the United States Court of Appeals for the Eighth Circuit: (1) whether the Protection of Lawful Commerce in Arms Act (“PLCAA”), 15 U.S.C. § 7901, *et seq.*, preempts Plaintiff’s negligence, public-nuisance, aiding-and-abetting, and negligent-entrustment claims; and (2) whether Minnesota law bars Plaintiff’s negligence per se claim because it is premised on statutes that lack private causes of action and are not designed to protect a particular class of persons.

This Motion is based on all the files, records, and proceedings herein, as well as the memorandum of law and supporting documents filed herewith.

Dated: August 11, 2023

/s/ Todd A. Noteboom

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